

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

STEPHEN McCOLLUM, and SANDRA McCOLLUM, individually, and STEPHANIE KINGREY, individually and as independent administrator of the Estate of LARRY GENE McCOLLUM,

PLAINTIFFS

V.

BRAD LIVINGSTON, JEFF PRINGLE, §  
 RICHARD CLARK, KAREN TATE, §  
 SANDREA SANDERS, ROBERT EASON, the §  
 UNIVERSITY OF TEXAS MEDICAL §  
 BRANCH and the TEXAS DEPARTMENT OF §  
 CRIMINAL JUSTICE. §

DEFENDANTS §

CIVIL ACTION NO.  
3:12-cv-02037  
JURY DEMAND

**PLAINTIFFS' NOTICE REGARDING UNIVERSITY OF TEXAS MEDICAL  
BRANCH'S EMERGENCY MOTION TO QUASH DEPOSITION**

Plaintiffs file this notice to make the Court aware of the status of Defendants' Emergency *Motion to Quash*.

Yesterday evening shortly before 5:00 p.m., UTMB filed an emergency motion to quash a deposition of a 30(b)(6) witness on ESI issues noticed on May 14 for this morning. Because the deposition was set for 9:00 a.m. today, Plaintiffs filed a response at 6:30 p.m. last night. Plaintiffs attached several documents to that response and believe the record speaks for itself.

Plaintiffs appeared at the deposition this morning at UTMB's counsel's office but neither counsel nor the witness were present. A paralegal came into the conference room where Plaintiffs' counsel and the court reporter were and relayed that UTMB's counsel had said that the witness would not be appearing. Plaintiffs took a certificate of

nonappearance.

Although counsel for UTMB had previously indicated that UTMB would not be presenting its witness as noticed, UTMB provided no legal basis for failing to appear. While Plaintiffs have no interest in engaging in a drawn-out dispute over this deposition and presume the Court has no interest in such a dispute either, this is yet another example of UTMB's continuing disregard for the Rules as alleged in Plaintiffs' *Motion for Sanctions*.

In light of the above and for the reasons described in our *Response*, Plaintiffs respectfully ask the Court to order UTMB's 30(b)(6) IT witness to appear in Austin next week to give the deposition that Plaintiffs previously noticed. In the alternative, Plaintiffs request that this person be presented by a date the Court believes to be fair.

DATED: May 28, 2014.

Respectfully submitted,

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By /s/ Jeff Edwards  
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**CERTIFICATE OF SERVICE**

By my signature above, I certify that a true and correct copy of the foregoing has been served on all counsel of record through the Electronic Case Files System of the Northern District of Texas.